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| **Subject:** | RE: Malton and Norton Neighbourhood Plan SEA/SA and HRA |
| **Date:** | Tue, 8 Oct 2019 16:15:10 +0000 |
| **From:** | Ash, Merlin [<Merlin.Ash@naturalengland.org.uk>](mailto:Merlin.Ash@naturalengland.org.uk) |
| **To:** | Rachael Balmer [<rachael.balmer@ryedale.gov.uk>](mailto:rachael.balmer@ryedale.gov.uk) |
| **CC:** | Mike Dando [<mike.dando2@btinternet.com>](mailto:mike.dando2@btinternet.com), r tierney [<norton.tc@btconnect.com>](mailto:norton.tc@btconnect.com) |

Dear Rachael,

Cc Mike Dando and Tim Hicks

Thank you very much for consulting Natural England on this please accept our sincere apologies for the delay in getting back to you. This was due to an administrative error on our behalf for which we apologies for and hope this has not caused any significant inconvenience. I am copying this to Tim Hicks Mike Dando on behalf of the Town Councils who have also sought Natural England’s views on these assessments.

You raise some very good questions here regarding the evolving assessment process for Neighbourhood Plans to which we will endeavour to give our opinion.

Regarding question 1), while we share your concerns regarding potential impacts on the River Derwent SAC and SSSI, we broadly consider that the assessment undertaken is sufficient given the high level of the policy and lack of detail provided. It would be very difficult to provide much further assessment without going into speculation about where and how the projects listed might be delivered. It is more appropriate that these matters should be assessed at the project stage when there is sufficient information to undertake a more meaningful assessment. However, having said this, we consider that the very significant constraints posed by the River Derwent SAC/SSSI may affect the deliverability of the proposals set out in these policies. It might therefore be better policy making for the Town Councils to come forward with more concrete proposals at this stage which can be properly assessed.

2) Given the reliance on a caveat within the policies and higher level plan policy, we consider that the assessment should be an appropriate assessment concerning adverse effects on integrity rather than a screening assessment in the context of the 2018 People over Wind vs Coilte Teoranta judgement. However this does not necessarily alter the overall gist of the conclusions reached or require significant further assessment.

3) You are quite right to raise the issue of in-combination assessment here, particularly in the context of the recently adopted Local Plan Site Document. This will be a critical component of the project stage assessments or the assessment of a more detailed policy. We consider that it may also be an important factor in the question of whether the proposals are deliverable. However it is difficult to undertake a more detailed in-combination assessment at this stage.

Finally we would like to see more specific detail provided in these policies or the supporting text regarding the potential risks to the River Derwent SAC/SSSI including recreational disturbance, water quality, bank erosion and most importantly direct loss. The policy should be clear that proposals such as boat moorings and fishing platforms/pegs are extremely unlikely to be acceptable within the boundaries of the River Derwent SAC.

Notwithstanding these issues Natural England is otherwise satisfied with the Strategic Environmental Assessment and Habitats Regulations Assessment provided in support of the Pre-submission draft of the Neighbourhood Plan for Malton and Norton and has no other comments to make.

We hope that this advice is helpful. If you have any further questions regarding this please do not hesitate to contact me.

Yours sincerely

Merlin Ash

Lead Adviser

Yorkshire and Northern Lincolnshire Team

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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**From:** Rachael Balmer [<mailto:rachael.balmer@ryedale.gov.uk>]   
**Sent:** 04 October 2019 12:49  
**To:** Ash, Merlin [<Merlin.Ash@naturalengland.org.uk>](mailto:Merlin.Ash@naturalengland.org.uk)  
**Subject:** Malton and Norton Neighbourhood Plan SEA/SA and HRA

Dear Merlin,

I am not sure if I have contacted the right person, so apologies if this is not a project you have been working on, and if you could let me know who best to liaise with I would be very grateful. We have been asked to formally make a view on the SEA/SA and HRA of the above neighbourhood plan. Based on our on-going engagement in the process we identified early on that the inclusion of policies (particularly RC1 and RC2) which increased activity in and around the River Derwent SAC would raise some adverse impacts in terms of disturbance and impacts on sediments, bank erosion etc. At the time this was somewhat dismissed by the Consultants, but they subsequently commissioned a HRA. The LPA consider that their HRA has inadequately undertaken the  screening exercise in three key ways:

1. It assumes that as the policy does not allocate the land it does not constitute a policy direction- we disagree it very fact that it is included within the Plan means it is a policy, which positively promotes various uses on and next to the river bank;
2. In the screening it notes the likelihood of impacts, but applied imbedded mitigation of the Local Plan Strategy Policy SP14, to address any adverse impacts.

Given the judgment in 2018, this approach is now flawed, and that mitigation cannot be identified at screening; and

1. It does not fully consider the in-combination effects with the increased housing as a result of the Local Plan Sites Document- whilst this sought to bring forward measures which offered an alternative to the riverbank for recreation- and means to protect water quality. The Malton and Norton Neighbourhood Plan is to all intents and purposes, increasing recreation and impacts on the river bank (such as with boat moorings etc.)

We are of the view that the HRA should have undertaken an appropriate assessment. LSE cannot be ruled out- indeed the report sets out what they could be, but then applies mitigation in the form of the existing Development Plan. Accordingly, we feel that this has also influenced the production of the Sustainability Appraisal and the Strategic Environmental Assessment (which can be undertaken together) which also should have been in a position to consider this.

Are Natural England in a position to provide a view on this matter?

Kind regards,

Rachael Balmer

**Mrs. Rachael Balmer BSc (Hons) MTP  MRTPI**

**Senior Planning Officer**

**New phone extension 43357**

**Please note I work remotely on Monday and Thursday**

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